

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
MAY 11, 2016**

**CALL TO  
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at the Earl Bennett Building, Conference Rooms A and B, 1035 1<sup>st</sup> Ave W, Kalispell, Montana. Board members present were Marie Hickey-AuClaire, Kevin Lake, Ron Schlegel, Dean Sirucek, Jim Heim, Jeff Larsen and Greg Stevens. Mike Horn had an excused absence. Mark Mussman and Erik Mack represented the Flathead County Planning & Zoning Office.

There were 7 people in the audience.

**APPROVAL OF  
MINUTES  
6:01 pm**

Larsen made a motion, seconded by Sirucek to approve the March 9, 2016 meeting minutes, the April 13, 2016 meeting minutes and the March 9, 2016 workshop minutes.

**ASK THE  
QUESTION  
6:01 pm**

Hickey-AuClaire asked the question.

**ROLL CALL  
VOTE  
APPROVAL OF  
MINUTES  
6:01 pm**

On a roll call vote the motion passed unanimously.

**PUBLIC  
COMMENT  
(not related to  
agenda items)  
6:01 pm**

None

**PATRICK  
SMITH  
(FCMU-16-01)  
6:02 pm**

A request by Patrick Smith for a Major Land Use Review for 'Guest Cabins'. The proposal is to construct one guest cabin on the 5.365-acre subject property within the Middle Canyon Region of the Canyon Area Land Use Regulatory System (C.A.L.U.R.S). The property is located at 11335 Highway 2 East in West Glacier.

**STAFF REPORT  
6:02 pm**

Mack reviewed Staff Report FCMU-16-01 for the Board.

**BOARD  
QUESTIONS  
6:03 pm**

None

**APPLICANT  
PRESENTATION  
6:04 pm**

Patrick Smith-11335 Highway 2 East, West Glacier stated he was basically building another house for people to stay in instead of the main house. He stated he already had a garage built there and had the power to it. Smith also stated he had already redone the road.

**BOARD  
QUESTIONS  
6:07 pm**

None

**AGENCY  
COMMENTS  
6:07 pm**

None

**PUBLIC  
COMMENT  
6:07 pm**

None

**APPLICANT  
REBUTTAL  
6:08**

None

**STAFF  
REBUTTAL  
6:08 pm**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FCMU-16-01)  
6:08 pm**

Stevens made a motion seconded by Sirucek to adopt staff report FCMU-16-01 as findings-of-fact.

**BOARD  
DISCUSSION  
6:09 pm**

None

**ASK THE  
QUESTION  
6:09 pm**

Hickey-AuClaire asked the question.

**ROLL CALL TO  
ADOPT F.O.F.  
(FCMU-16-01)  
6:09 pm**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION  
6:09 pm**

None

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL OF  
CONDITIONS  
(FCMU-16-01)  
6:09 pm**

Heim made a motion seconded by Schlegel to adopt Staff Report FCMU-16-01 and recommend approval to the Board of County Commissioners.

**BOARD  
DISCUSSION  
6:09 pm**

Heim stated if the house would have been the same square footage as the original house there would be no need for this hearing.

Mack agreed.

**ALBERT  
CLARKE/JAME  
SRUGGLES  
(FZC-16-02)  
6:10 pm**

A zone change request in the Evergreen Zoning District by Sands Surveying, on behalf of Albert Clarke and James Ruggles. The proposal would change the zoning on a parcel containing 1.5 acres from R-1 (*Suburban Residential*) to R-2 (*One-Family Limited Residential*). The subject property is located at 629 Alpine Lane in Evergreen, MT.

**STAFF REPORT  
6:10 pm**

Mack reviewed Staff Report FZC 16-02 for the Board.

**BOARD  
QUESTIONS  
6:13 pm**

None

**APPLICANT  
PRESENTATION  
6:13 pm**

Eric Mulcahy-Sands Surveying-2 Village Loop, Kalispell stated Clarke wanted to purchase the property from Ruggles if the zone change went through. Mulcahy spoke about the work Clarke had done to the property. He stated the applicant agreed with the staff report and findings of fact.

**BOARD  
QUESTIONS**

Stevens asked if the applicant had seen the letter presented to the Board.

**6:16 pm**

**AGENCY  
COMMENTS**

**6:16 pm**

Mulcahy stated they had and respectfully disagreed with it.  
None.

**PUBLIC  
COMMENT**

**6:17 pm**

None

**APPLICANT  
REBUTTAL**

None

**STAFF  
REBUTTAL**

None

**MAIN MOTION  
TO ADOPT  
F.O.F.  
(FZC-16-02)**

Stevens made a motion seconded by Sirucek to adopt staff report  
FZC 16-02 as findings-of-fact.

**BOARD  
DISCUSSION  
6:17 pm**

Stevens addressed the comment letter the board received. He  
stated he did not feel the letter was relevant to the zone change.  
He spoke about any violations on the property would be  
investigated by the planning office. Stevens stated he was in  
favor of the zone change.

Heim stated that if there was a violation on the property it would  
still be a violation if they approved the zone change.

**ASK THE  
QUESTION  
6:20 pm**

Hickey-AuClaire asked the question.

**ROLL CALL TO  
ADOPT F.O.F.  
(FZC-16-02)  
6:20 pm**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION  
6:21 pm**

None

**MAIN MOTION  
TO**

Lake made a motion seconded by Stevens and Larsen to adopt  
Staff Report FZC 16-02 and recommend approval to the Board of

**RECOMMEND  
APPROVAL OF  
CONDITIONS  
(FZC 16-02)  
6:22 pm**

County Commissioners.

**BOARD  
DISCUSSION  
6:22 pm**

None

**FLATHEAD  
COUNTY LAKE  
AND  
LAKESHORE  
PROTECTION  
REGULATIONS  
(FLLSTA-16-01)  
6:23 pm**

A request by the Planning and Zoning Office for revisions to the text of the Flathead County Lake and Lakeshore Protection regulations. The revisions include changes to jurisdiction, general procedures, review procedures, criteria for issuance of a permit, administration and definitions. Information regarding this request and the draft revisions are available at the Flathead County Planning and Zoning Office and online at [https://flathead.mt.gov/planning\\_zoning](https://flathead.mt.gov/planning_zoning). Written comments can be submitted in person, by mail to 1035 First Ave. West, Kalispell, MT 59901 or by email at [planning.zoning@flathead.mt.gov](mailto:planning.zoning@flathead.mt.gov). The Planning and Zoning Office encourages all comments to be submitted on or before May 11, 2016.

**STAFF REPORT  
6:24 pm**

Mussman reviewed Staff Report FLLSTA-16-01 for the Board.

**BOARD  
QUESTIONS**

Heim asked about the fees for administrative permit versus a regular permit.

Mussman quoted the prices for both.

Heim asked about the Standard on page fifteen (15) under Wood. He stated that one (1) and (2) contradicted each other.

Mussman explained the difference.

Schlegel asked about repair of a non-conforming structure.

Mussman stated that was covered under 2.7 Non-conforming structures.

Sirucek stated that native vegetation was hard to get in this area and that the regulation should read natural only (page 18).

Stevens agreed.

The board discussed at length natural versus native vegetation. It was agreed to leave native vegetation out of this Standard (page 18).

Sirucek questioned page twenty-five (25) under Swim Docks; he felt that on some of the smaller lakes a sixty (60) foot dock would be out too far. This standard was discussed at length.

The board discussed at length the ratio for rip rap. It was decided to leave the ratio out and write "one horizontal to two vertical".

Mussman spoke to the Standard L. Decks, Walkways and Stairways-stating that g) Decks, patios, walkways and stairways flush with the adjacent natural grade are exempt from meeting the general setback requirement standards listed in Section 4.2(H)(2). He stated the city of Whitefish does not allow any structure in the Lakeshore Protection Zone. Mussman stated that the regulations cover more lakes than just Whitefish Lake; therefore, this regulation should remain as is.

Sirucek asked about the definition of small-scale tree and vegetation.

Mussman discussed the meaning of small-scale.

**AGENCY  
COMMENT  
7:34 pm**

Bailey Minnich-Whitefish Planning Office-510 Railway Street, Whitefish stated that the city of Whitefish does not allow any decks in the Lakeshore Protection zone. Minnich stated this would cause a problem in the future if Flathead County allowed decks and Whitefish does not, when some of these properties were annexed into the city there would be a lot of non-conforming structures. She felt adding a sentence to the current regulation stating "Decks, patios, walkways and stairways flush with the adjacent natural grade are exempt from meeting the general setback requirement standards listed in Section 4.2(H)(2) except on Whitefish and Lost Coon Lakes.

Schlegel asked about setting up a neighborhood plan which would allow for stricter standards than the current zoning regulations.

Minnich stated there was no neighborhood plan on Whitefish Lake.

**PUBLIC  
COMMENT  
7:40 PM**

BJ Grieve-WGM-1111 Broadway, Missoula wanted clarification on the Regulation 4.2(B) (f) Rock or Stone. He stated that in order to use natural stone in walkways, retaining walls, and stairways you need to use a sand base to hold the rocks in place. However, the regulation states "All rock or stone within the Lakeshore Protection Zone and which will come in contact with the lake shall be free of silts, sands or fines."

**STAFF  
REBUTTAL  
7:47 PM**

Mussman stated that the 'free of sands, silts, and fines' was mostly directed towards fill material. He stated that removing 'within the Lakeshore Protection Zone' should clarify this regulation.

**MAIN MOTION  
TO  
RECOMMEND  
APPROVAL OF  
CONDITIONS  
(FLLSTA-16-01)  
7:51 pm**

Sirucek made a motion seconded by Larsen to adopt staff report FLLSTA-16-01 as findings-of-fact with agreed to changes from this hearing.

**BOARD  
DISCUSSION  
7:51 pm**

The board discussed Minnich's comment at length. It was agreed that no additional language was needed.

**ASK THE  
QUESTION  
7:56 pm**

Hickey-AuClaire asked the question.

**ROLL CALL TO  
ADOPT F.O.F.  
(FLLSTA-16-01)  
7:56 pm**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS  
7:57 pm**

Mussman stated that the Floodplain Regulation Amendment workshop was scheduled after the June 8, 2016 meeting; however, the meeting docket had seven (7) agenda items on it and may take some time. It was decided to move the workshop to July 13, 2016 after the regular meeting.

**NEW BUSINESS**  
**8:00 pm**

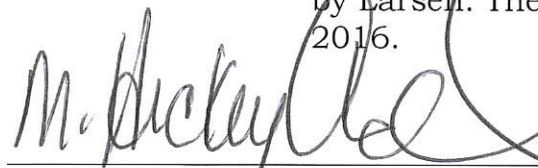
Mussman received an inquiry regarding temporary use for a music festival in the Middle Canyon area. The regulatory system in the canyon does not specifically address temporary uses. Flathead County regulations state that the administrator shall "Refer to the Planning Board for placement of all uses not categorically permitted and not sufficiently similar to listed uses for the Zoning Administrator to administratively declare them allowable." He stated in Flathead County a temporary use requires an Administrative Conditional Use Permit. Mussman stated that up in the canyon a similar process would be a Minor Land Use Permit.

It was decided that temporary uses in the canyon area would need a Minor Land Use Permit.

Mussman stated that he thought it was time to look at updating the Zoning Regulations.

**ADJOURNMENT**

The meeting was adjourned at approximately 8:20 on a motion by Larsen. The next meeting will be held at 6:00 pm on June 8, 2016.

  
Marie Hickey-AuClaire, Chairman

  
Danene Thornton, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6 / 8 / 16